



PERIODIC REVIEW

**Clyde Revord Motors
Facility Site ID#: 63754759**

**7900 Evergreen Way,
Everett, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

June 2010

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the [site name] (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program [or IRAP]. The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The Site, referred to as Clyde Revord Motors, is currently operated as a new and used car and truck dealership. Improvements to the Site consist of two buildings, totaling approximately 32,250 square feet (the detail shop is 2,250 square feet and the main building is approximately 30,000 square feet), situated on an approximate 6-acre lot at 7900 Evergreen Way in Everett, Washington. The one-story detail shop is constructed of sheet metal and was constructed in 1991. The one-story main building is constructed of cinder block and wood and was constructed in 1961. The dealership includes a new car showroom, offices, mechanical service department, parts department, detail shop, car wash, and sales lot. The area surrounding the on-Site buildings is asphalt-covered with various patches. One patch is from the former UST on the western portion of the Site near the service area, and the other asphalt patches were applied for cosmetic purposes. The Site, which is open and operating, is located in an area of residential and light commercial property.

During remodeling activities at the middle school located west of the Site, it was discovered that the detail shop located on the west portion of the property was actually located on property owned by the middle school. A property exchange was arranged between the middle school and Clyde Revord which enabled the detail shop to remain where it is. This exchange included moving the west boundary fence (near the detail shop) approximately two feet east, and in exchange for leaving the detail shop where it was, Clyde Revord gave the middle school a small triangular-shaped piece of property at the southwest corner of the Clyde Revord property. The middle school subsequently paved the triangular-shaped piece of property with asphalt and it is used as an access driveway for the middle school.

2.2 Site Investigations and Sample Results

A Phase I and Phase II Hybrid Environmental Site Assessment (ESA) was performed by IT Corporation (IT), previously Fluor Daniel GTI Corporation, on behalf of Argonaut Holdings, Inc. The property was inspected by IT on September 27, 1999, and sampling activities were conducted on October 1, 1999. Groundwater sampling activities were conducted on October 8, 1999.

There are nine former below-grade hydraulic car lifts and five active below-grade hydraulic car lifts present on the Site. Below-grade hydraulic lifts HL-9, HL-10, HL-11, and HL-12 were closed in-place prior to 1998, and below-grade hydraulic lifts HL-2, HL-3, HL-4, HL-6, and HL-7 were decommissioned by removal in March 1999. The hydraulic oil tanks for these five lifts were removed from the ground, emptied and cleaned, and disposed of off-Site. IT conducted soil and groundwater sampling activities in the vicinity of below-grade hydraulic lifts HL-1 through HL-13 in April 1998 and soil and groundwater sampling activities upgradient, downgradient, and crossgradient of the below-grade hydraulic lifts in May 1998. Based on those analytical results, it was determined that petroleum hydrocarbon impact to the groundwater at the Site was limited to

the immediate vicinity of the below-grade hydraulic lifts identified as HL-1, HL-2, HL-4, HL-7, HL-9, HL-10, and HL-13. Because soil results exceeded State cleanup levels in HL-2 and because groundwater results at the location of each of these seven lifts exceeded cleanup levels, it was recommended by Fluor Daniel GTI that the seven active and inactive lifts (HL-1, HL-2, HL-4, HL-7, HL-9, HL-10, and HL-13) and associated contaminated soil be excavated, removed, and disposed of in accordance with all applicable regulations and the encountered contaminated groundwater be disposed and remediated in accordance with applicable regulations. It was further recommended that the remaining active hydraulic lifts (HL-3, HL-5, HL-6, and HL-8) be drained and decommissioned by removal to avoid potential future releases to the subsurface. During the Site visit, it was discovered that below-grade lifts HL-1, HL-5, HL-8, and HL-13 had not been decommissioned and were still active lifts. Lifts HL-2, HL-3, HL-4, HL-6, and HL-7 were decommissioned by removal in March 1999; however, according to a Site contact, the contaminated soils and groundwater associated with former lifts HL-2, HL-4, and HL-7 had not been removed during lift removal activities. Furthermore, according to the Site contact, the soil and/or groundwater was never remediated in the vicinity of lifts HL-1, HL-9, HL-10, and HL-13. Therefore, contaminated soil and groundwater still existed in these seven active and former lift locations.

During the Phase II portion of this assessment, soil and groundwater samples were collected in the vicinity of the below-grade lifts located in the north wing that had not shown contamination during the 1998 sampling event to verify that the below-grade hydraulic lifts had not leaked since April 1998. Groundwater samples were also collected from some of the May 1998 building perimeter sampling locations. These locations were located upgradient, downgradient, and crossgradient of the service areas and lifts to determine if the petroleum hydrocarbons identified in 1998 had migrated outside of the building perimeter. The sampling locations outside the building are identified as B-1, B-2, B-3, B-5, B-6, and B-8. The sampling locations inside the building near the below-grade hydraulic lifts are identified as HL-3, HL-5, HL-6, and HL-8. Although groundwater samples were collected from these sampling locations on October 1, 1999, laboratory contamination rendered the groundwater samples unusable; therefore, groundwater samples were collected from the vicinity of those same boreholes on October 8, 1999. Analytical results of soil samples collected from six locations surrounding the building and from inside the building at four below-grade hydraulic lift locations indicated that Washington Method for total petroleum hydrocarbons (WTPH) were below laboratory analytical detection limits in all of the soil samples analyzed.

Groundwater was not present in HL-3, HL-8, B-3, or B-6; therefore, no groundwater sample could be collected from these locations. Analytical results of groundwater samples collected from HL-5 and HL-6, and boreholes B-1, B-2, B-5, and B-8 indicate WTPH was detected in three of the groundwater samples collected. Groundwater sample B-1 contained 1.43 milligrams per liter (mg/L), B-8 contained 0.33 mg/L, and BHL-6 contained 1.04 mg/L. The action level for WTPH is 1 mg/L; therefore, B-1 and BHL-6 constituted a reportable condition. Based on analytical results of samples collected in October 1999, it appeared that groundwater has been affected in the vicinity of below-grade lift HL-6 and in borehole B-1, located outside of the building. During the Phase II portion of this assessment, a below-grade hydraulic lift (which will be referred to as HL-14) was discovered in the alignment shop of the south wing. This

below-grade hydraulic lift was not identified during the two previous 1998 activities at the Site. Because there were below-grade components associated with this lift, it presented a potential concern.

An 800-gallon oil-water separator system is present at the Site and is located on the south side of the main building. The separator was installed in 1994. The separator system collects fluids from the open trench floor drain located in the south wing and from the floor drain located in the car wash. The floor trench drain in the north wing is plugged and does not discharge anywhere. On October 27, 1999, Gene Bennett, Industrial Waste Inspector of the City of Everett Public Works Department, conducted a dye test on the floor drains at the Site and determined that they discharge to the oil-water separator. Mr. Bennett also determined that the oil-water separator discharges to the sanitary sewer system. According to the City of Everett Public Works Department, no corrections or repairs are required and the car wash drains substantially meet the requirements of the Everett Pretreatment Ordinance. The oil-water separator system was visually inspected and appeared to be constructed of prefabricated concrete. Prior to the Site visit, the Site contact was notified that the oil-water separator must be pumped out for inspection; however, a visible water/sludge was present inside the unit at the time of the Site visit; therefore, the structural integrity of the system could not be evaluated. A soil sample collected in April 1998 near the oil-water separator indicated TPH, semi-volatile organic compounds (SVOCs), and volatile organic compounds (VOCs) were not detected above laboratory analytical detection limits with the exception of three VOC constituents that were detected above laboratory analytical detection limits but below the state action level.

During the Phase II portion of this assessment, a soil boring was advanced in the vicinity of the separator and a soil sample was collected. Analytical results indicated TPH by Washington TPH Method (WTPH) and VOCs were not detected above the laboratory analytical detection limit. Based upon laboratory analytical results, the vicinity of the oil-water separator did not appear to present a concern.

Underground storage tanks (USTs) are not currently present on the Site; however, three virgin-oil USTs and two waste-oil USTs were formerly located at the Site. The USTs were removed between November 1989 and January 1990 and the removals were inspected by the fire department. The Everett City Fire Marshal's Office had no information regarding former USTs at the Site because all of their records were purged in about 1990. During an assessment conducted by Fluor Daniel GTI in April 1998, one boring was advanced in the immediate vicinity of the three former virgin-oil USTs (at that time, thought to be a former waste-oil UST), and a single soil sample was collected for laboratory analysis of TPH, VOCs, and SVOCs. Laboratory analytical results of the soil sample indicated toluene, 1,2,4-trimethylbenzene, and total xylenes were detected at concentrations of 0.0036 milligrams per kilograms (mg/kg), 0.0033 mg/kg, and 0.0051 mg/kg, respectively, which were below their respective cleanup levels of 40 mg/kg for toluene and 20 mg/kg for total xylenes. There was no cleanup level for 1,2,4-trimethylbenzene in soil for the State of Washington. No other VOCs were detected above analytical detection limits in the soil sample. Analytical results indicated miscellaneous hydrocarbons were detected at 8.8 mg/kg, which is below the action level of 200 mg/kg. The soil sample did not contain concentrations of SVOCs above laboratory analytical detection limits.

Groundwater was not detected in the virgin-oil UST basin; therefore, no groundwater sample was collected. Based on these laboratory analytical results from 1998, the former virgin-oil UST basin did not appear to present a concern.

During the May 1998 Phase III assessment, a groundwater sample (B-6) was collected from the former location of one of the two waste-oil USTs. No groundwater was present in the other borehole (B-3) at the location of the other former waste-oil UST; therefore, no groundwater sample was collected. The groundwater sample from B-6 was analyzed for TPH as gasoline range organics and TPH as diesel range organics. Laboratory analytical results indicated TPH as gasoline range was not detected above laboratory analytical detection limits and TPH as diesel range was detected as miscellaneous hydrocarbons at a concentration of 0.13 mg/L, which is below the state cleanup level of 1.0 mg/L.

During the Phase II portion of this assessment, a soil sample was collected from boreholes B-3 and B-6, the locations of the former waste-oil USTs. Groundwater was not encountered in either borehole; therefore, no groundwater samples were collected. Analytical results of the soil samples indicated WTPH was not detected above laboratory analytical detection limits in B-3 or B-6. Based on these results, it did not appear that the former waste-oil UST basins presented a concern.

2.3 Cleanup Actions

CEcon was initially contracted to decommission hoists designated as HL-1, HL-5, HL-8, HL-11, and HL-13 in January 2000. After this scope of work was completed, Clyde Revord also contracted CEcon to remove the vertical portions of hoists HL-2, HL-3, HL-4, HL-6, HL-7, HL-9, and HL-10. The work was performed between January 5 and January 22, 2000.

Hoist HL-13 was selected as a “test case” to determine whether it would be logistically feasible to excavate potentially contaminated soil from inside the shop buildings. Hoist HL- 14, previously identified by Fluor Daniel GTI, could not be located, and was determined not to be present. These hoists consisted of two parts: a sliding portion for the rear axle of vehicles, which was designed to shorten or lengthen depending on the size of the vehicle, and a stationary front portion designed to support the front axle of vehicles. The sliding portion of the hoist consisted of a concrete vault within which all the hoist components were contained, including the hydraulic cylinder hoses and fittings and hydraulic oil reservoir. The stationary front portion of the hoists was composed of a vertical cylinder housing approximately 7 feet long and 10 to 14 inches in diameter (size varied). Hydraulic fluid and the hydraulic cylinder (ram) were both contained inside the outer hoist housing. A metal cross piece designed to fit the front vehicle axle was attached parallel to the floor at the top of the hydraulic ram.

Decommissioning generally consisted of breaking the concrete around the top of the vertical hoists and removing them in a single piece. Individual hoists were then dismantled and all metal components steam cleaned and then disposed of as scrap metal at a recycling facility. In several instances, historic leakage of hydraulic oil past the seals of the hoist resulted in visible accumulations of hydraulic fluid in the hole after the hoists were removed. All oily fluids and

water, where present, were removed with a vacuum truck. Each hoist hole was then sampled using a hand auger. Soil samples were submitted to a state- accredited analytical laboratory for analyses for TPH in the diesel and heavy oil (motor oil) ranges. The hoist holes were then filled with pea gravel and approximately 6 inches of concrete placed to match existing grade. The sliding portion of each hoist was completely dismantled, with all piping and hoses drained and removed from the vault, and all fluids inside the vault removed using a vacuum truck. The inside of the vaults were then steam cleaned and all cleaning fluids removed, and then filled to approximately 6 inches below grade with pea gravel. New reinforced concrete was then placed to match existing grade.

Hoist HL-13 was selected as the first hoist to decommission due to the high concentrations in groundwater reported by Fluor Daniels GTI, to determine whether it would be logistically feasible to remediate soil and potentially groundwater by excavation inside the buildings, in accordance with Fluor Daniel GTI's recommendations. Fluor Daniel GTI's boring at the HL-13 location had been placed adjacent to the vertical portion of the hoist, as evidenced by the concrete patch in the shop floor. A square area approximately 10 feet by 10 feet was cut and removed from the concrete shop floor around the vertical portion of the hoist. Hydraulic oil was present in the bottom of the hole after the vertical cylinder was removed. After removal of the oil using a vacuum truck, soil was excavated to a depth of approximately 8.5 feet below ground surface (bgs). Excavation of soil was severely limited by the presence of buried utilities on all four sides of the excavation, including subsurface electrical conduits, drain piping and unidentified piping. In addition, native soils at the Site consist of very dense glacial till, making excavation difficult using equipment small enough to fit inside the building. The adjacent vault structure for the other portion of the hoist had been installed (bedded) in a combination of crushed rock and pea gravel, as had all of the buried utilities. All the backfill exposed in the excavation contained varying amounts of water, presumably from infiltration of rainfall, which seeped into the excavation. An intermittent sheen and apparent dark, weathered product (presumably oil) was observed on the water surface. Very little groundwater, other than this seepage from utility trenches, was observed to accumulate in the excavation during the eight days the excavation was open. A total of 7.90 tons of soil and an estimated 300 gallons of water was removed from the excavation and disposed of off-Site. Based on this "test case" it was determined that excavation of the contaminated soil at each of the locations previously identified by Fluor Daniel GTI, was unlikely to achieve a successful cleanup due to logistical constraints, and would likely result in leaving impacted soil in the ground. In addition, the native soil (glacial till) was dense and impermeable enough to make recovery of significant volumes of groundwater impractical by excavation dewatering.

The vault section of the hoist was dismantled and thoroughly cleaned as described previously. The inside of the vault was visually inspected after cleaning. No obvious deterioration cracks or breaches in the vault were discernable. Both the excavation and vault were then backfilled with pea gravel and reinforced concrete replaced to match the surrounding shop floor.

Hoists HL-1, and HL-5 were decommissioned by cleaning and removing all residual and cleaning fluids, piping and equipment from the vault portions, backfilling the vaults with pea gravel and replacing the concrete floor. Each of the vertical hoist sections was removed by

pulling the hoist entirely out of the ground, removing any residual fluids from the hole and sampling the hole bottom with the hand auger, and backfilling the hole with pea gravel and replacing the concrete.

Hoists HL-8 and HL-11 consisted of only single, vertical hoist cylinders, and did not have sliding portions in concrete vaults. Each one was removed from the ground in one piece, any residual fluids were pumped from the hole bottoms, the holes sampled and filled with pea gravel, and resurfaced with concrete. Apparent groundwater was encountered in the bottom of the HL-11 hole, and a groundwater sample was collected using a disposable plastic bailer before backfilling the hole.

CEcon was authorized to re-visit hoists which had been abandoned previously by others after observing that the vertical cylinders appeared to be responsible for most, if not all, of the observed leakage of hydraulic fluid from the hoists. Hoists HL-2, HL-3, HL-4, HL-6, HL-7, HL-9, and HL-10 had been abandoned in place with little documentation about the decommissioning. The vertical hoist cylinders at hoists HL-2, HL-3, HL-4, HL-6, HL-7, HL-9, and HL-10 were then each decommissioned by breaking away the surface concrete and removing the entire hoist assembly from the ground. All hoists were found to have been abandoned in place intact, with the hydraulic cylinders full of oil. After removal of the vertical hoists, any residual fluids, if present, were removed by vacuum truck, the hole bottoms sampled, and the holes backfilled and surface restored as described previously. The concrete vault portions of these hoists had reportedly been pumped out by a contractor and backfilled with pea gravel in March of 1999. These portions of the hoists were not re-excavated.

A total of 13 soil samples and two groundwater samples were collected as part of the hoist decommissioning. All samples were analyzed by Sound Analytical Services, Inc. (SAS), a state-certified analytical laboratory, for TPH in the diesel and heavy oil (motor oil) ranges using method NWTPH-D extended, a Gas Chromatographic (GC) method which utilizes a flame-ionization detector (FID). Concentrations of diesel and/or heavy oil in the soil samples ranged from not detected at the analytical method reporting limit in the sample collected from beneath hoist HL-7, to 22,000 mg/kg diesel, and 68,000 mg/kg oil, in the sample collected from beneath hoist HL-6. Results of the groundwater samples collected from hoist locations HL-11 and HL-13 were 0.89 mg/L diesel and 1.3 mg/L oil, and 2.5 mg/L diesel, and 5.5 mg/L oil, respectively.

Construction and demolition materials generated during the hoist decommissioning project consisted of soil and groundwater contaminated with residual petroleum hydrocarbons in the diesel and heavy oil ranges, residual hydraulic fluids from inside the various hoist mechanisms, scrap metal consisting of the hoist and cylinder casings and associated piping and conduits, and concrete rubble from the shop floor. All excavated soil generated during this project, a total of 7.90 tons, was transported and disposed of at a CSR's Everett thermal desorption facility for thermal destruction of the hydrocarbons and recycling of the soil. A total of 1,705 gallons of residual fluids, including all steam cleaning fluids, recovered groundwater, and recovered hydraulic fluid, was transported for disposal to Emerald Petroleum's Seattle facility. Emerald recycles fuels and oils for recycling, and treats and discharges water to the city sanitary sewer system in accordance with their state discharge permits. All metal hoist parts were dismantled

and steam cleaned, then transported to General Metals in Tacoma, Washington for recycling as scrap metal. Concrete debris was transported to Rhine Concrete Recycling in Tacoma, Washington.

2.4 Cleanup Levels

Soil and groundwater data obtained as part of the hoist decommissioning activities, and Fluor Daniel GTI's previous ESA's indicate that diesel and heavy oil range TPH contamination is present at concentrations above the Method A cleanup levels of 200 mg/kg (soil) and 1 mg/L (water), currently the most stringent cleanup action levels promulgated under the MTCA. Residual TPH contamination in soil has been identified at concentrations above the Method A cleanup levels in all former hoist locations, with the two exceptions of HL-7 and HL-12. Groundwater data indicates that TPH impacts are present at concentrations above the Method A cleanup level at former hoist locations HL-1, HL-2, HL-4, HL-7, HL-9, HL- 10, HL-11, HL-12, and HL-13. Fluor Daniel GTI's 1999 ESA also identified TPH impacts in groundwater at a concentration of 1.43 mg/L in boring B-1 located immediately east of the North Wing of the shop.

Recommendations to excavate contaminated soil at various hoist locations and to pump "contaminated groundwater" from the open excavations did not prove feasible. Logistically, as shown during the removal of hoist HL-13, it was not practical to remove contaminated soil at the hoist locations. The hoist locations are all inside an active automotive service shop, which generates significant revenue for the dealership. It is in our opinion and in the opinion of Clyde Revord management, the inherent disruption of business operations required to excavate soil at the hoist locations was unacceptable given the limited risks posed by the contamination. Additionally, native soils at the Site typically consist of relatively impermeable, very dense, damp to moist, gray, silty fine sand interpreted as glacial till. Contaminated soil observed during the hoist removals appeared to be largely confined to the fill soils immediately surrounding the hoist structures. The very dense nature of the native soil surrounding the hoist structures, the presence of numerous buried utilities beneath the reinforced concrete floor made excavation of contaminated soil impractical. Very little groundwater was observed in the excavation at the HL-13 location. Most, if not all, groundwater observed in the excavation was associated with the fill around buried structures and utilities, and, probably does not represent actual groundwater conditions outside the fill areas surrounding the structures. This information suggests that the groundwater data obtained previously by Fluor Daniels GTI by sampling geoprobe borings near the hoists may, in fact, represent "worst case" groundwater quality, and is not necessarily representative of actual Site groundwater conditions. Nevertheless, very little groundwater was observed in the bottom of the HL-13 location, or in the bottoms of the other decommissioned hoists holes, thereby rendering remediation of groundwater via pumping from the open excavations infeasible. All active hoists (contamination sources) were decommissioned by removal. In addition, the vertical cylinder portions of hoists which had been previously abandoned in place were re-visited and removed also. The contamination sources at the Site have been mitigated by removing the hoists and any residual fluids which leaked from the hoist cylinders. Based on data generated by Fluor Daniel GTI during previous assessments at the Site, and on our observations during removal of the hoists, it appears that remaining contamination is

relatively localized in the immediate vicinity of the former hoists. Effective engineering controls are in place at the Site. The entire Site is currently paved with either concrete or asphalt, significantly reducing the infiltration of rainwater as a potential driving force to move residual contamination downward toward groundwater. The surface paving also effectively prevents exposure of humans to any residual contamination, and the likelihood of future excavations inside the buildings which might expose workers to residual TPH is remote. In addition, the semi-volatile nature of the residual TPH precludes the possibility of exposure to volatile hydrocarbon vapors.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2000 which imposed the following limitations:

Section 1. The Property contains residual TPH in the soils that exceed the Model Toxics Control Act Method A soil Residential Cleanup Levels, at the North Wing of the site at the following Hoist Locations: HL-1, HL-2, HL-3, HL-4, HL5, HL-6, HL-7, & HL-8 of PARCEL B. Also, the Property contains residual TPH in the soils that exceed the Model Toxics Control Act Method A soil Residential Cleanup Levels at the South Wing of the site at the following Hoist Locations: HL-9, HL-10, HL-12, and HL-13 of PARCEL B. The Owner shall not alter, modify or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of the residual TPH contaminated soil that was contained on site, or create a new exposure pathway without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. No groundwater may be taken from the Property for any use.

Section 3. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 4. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 5. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation and maintenance of the Remedial Action. The Owner conveying any interest in the property shall notify Ecology of the name, mailing address and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

Section 6. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 7. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 8. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action: to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 9. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on June 30, 2010, the building garage floor and asphalt cover (remedy) at the Site continue to eliminate exposure to contaminated soils by ingestion and contact. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a automobile dealership. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site garage floor and asphalt surface, etc.) prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils and groundwater cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, the requirements for containment technologies are being met, and groundwater contamination is presumed to remain on the property due to dense soils and a large distance to the property line.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

4.1 Next Review

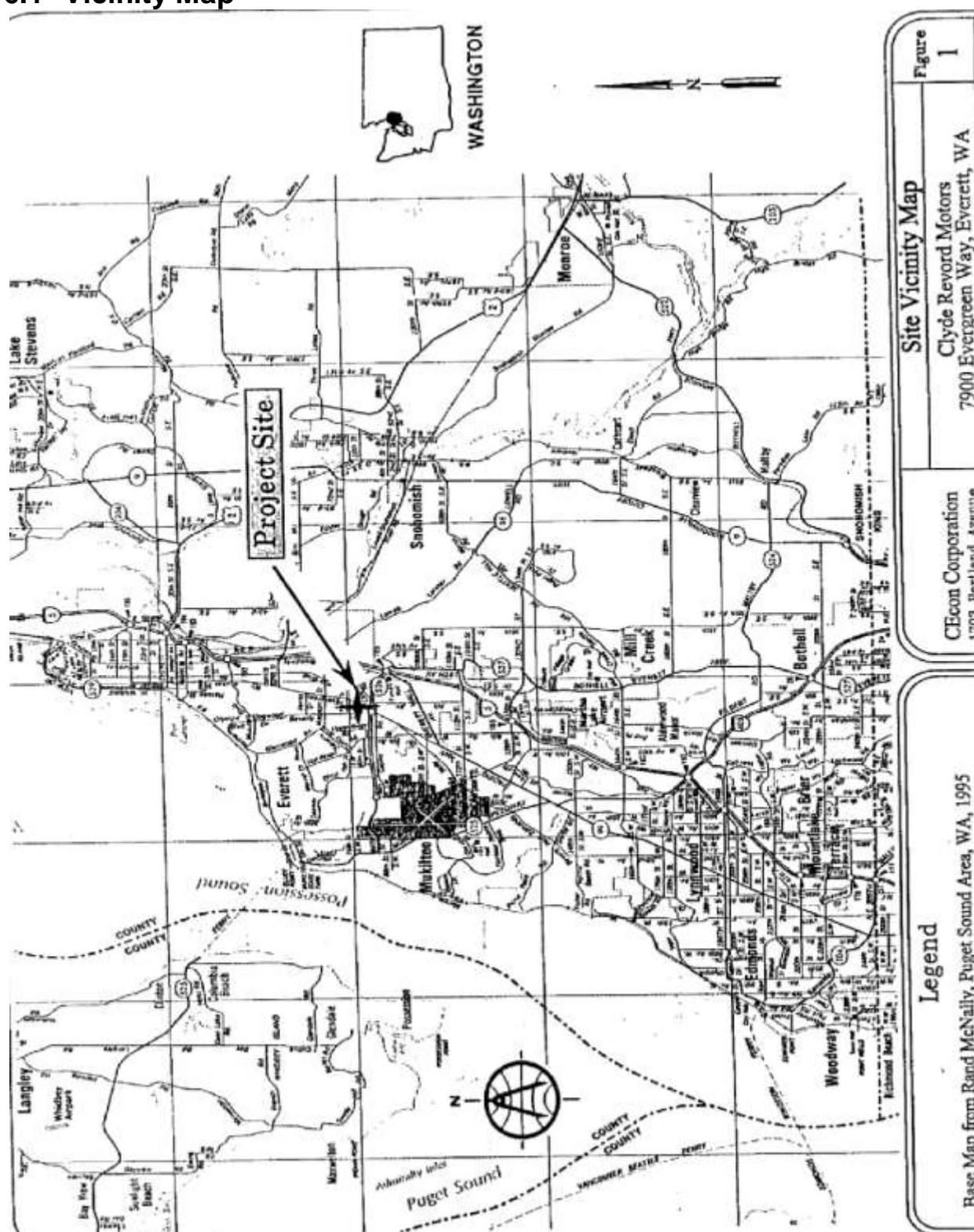
The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

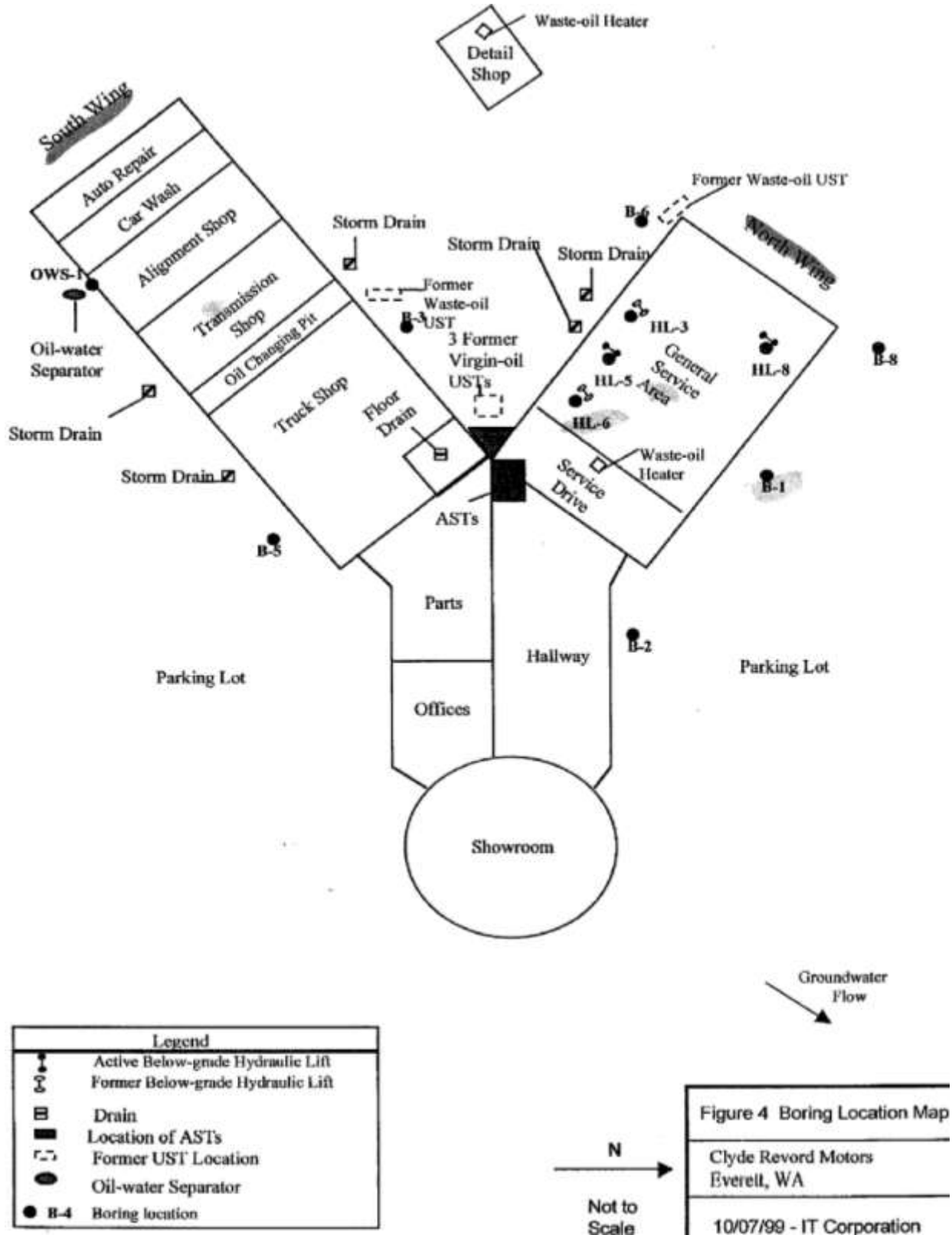
1. Results of Monitoring Well Installation at Clyde Revord Motors Site, Everett, October 4, 2000, by GeoScience Management, Inc.
2. Documentation of Hoist Removal and Soil Sampling, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by GeoScience Management, Inc., April 3, 2000.
3. Phases I & II Final Report, Hybrid Environmental Site Assessment, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by the IT Group, Project #800403, January 4, 2000.
4. Phases I & II Hybrid Environmental Site Assessment, Volumes II of II & III of III, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by the IT Group, Project #800403, October 7, 1999.
5. Phases III Environmental Site Assessment, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by Fluor Daniel GTI, Project #104571, May 22, 1998.
6. Installation and Sampling of 3 Groundwater Monitoring Wells, Clyde Revord Motors Site, Everett, October 13, 2000, by GeoScience Management, Inc.
7. Groundwater Monitoring Report, Clyde Revord Motors Site, Everett, February 16, 2001, by GeoScience Management, Inc.
8. Groundwater Monitoring Report, May 2001, Clyde Revord Motors Facility, 7900 Evergreen Way, Everett, Washington, by GeoScience Management, Inc., dated May 18, 2001.
9. Groundwater Monitoring Report, September 2001, Clyde Revord Motors Facility, 7900 Evergreen Way, Everett, Washington, by GeoScience Management, Inc., dated December 28, 2001.
10. 2000 Restrictive Covenant.
11. Ecology, 2010 Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 TPH-Dx Concentration Map

not available

6.4 Environmental Covenant



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11/27/2000 03:51 PM Snohomish
P.0006 RECORDED County

Return Name and Address:

CLYDE REVORD MRS.
7900 EVERGREEN WY
EVERETT WA. 98203

200011270837

Please print or type information

Document Title(s)	
1. RESTRICTIVE COVENANT	
2.	
3.	
4.	
Grantor(s)	
1. STEVEN SITTAUER (CLYDE REVORD MRS)	
2.	
3.	
4.	
<input type="checkbox"/> Additional names on page _____ of document	
Grantee(s)	
1. DEPT OF ECOLOGY	
2.	
3.	
4.	
<input type="checkbox"/> Additional names on page _____ of document	
Legal description (abbreviated: i.e. lot, block, plat OR section, township, range, qtr./qtr.)	
SEC 07 TWP 28 RGE 05	
<input type="checkbox"/> Additional legal is on page _____ of document	
Reference Number(s) (Auditor File Numbers) of Documents assigned or released:	

<input type="checkbox"/> Additional numbers on page _____ of document	
Assessor's Property Tax Parcel/Account Number	
072805-3-006	
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned	
<input type="checkbox"/> Additional parcel numbers on page _____ of document	
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.	

RESTRICTIVE COVENANT

Clyde Revord Motors

Clyde Revord Motors
7900 Evergreen Way Everett, Washington 98203

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440. Clyde Revord Motors, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description:

PARCEL B, TAX PARCEL I.D. #: 072805-3-006

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RESTRICTIVE COVENANT

Clyde Revord Motors

Clyde Revord Motors
7900 Evergreen Way Everett, Washington 98203

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Clyde Revord Motors (Owner) its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents, which are on file at Ecology's Northwest Regional Office:

1. Results of Monitoring Well Installation at Clyde Revord Motors Site, Everett of October 4, 2000 by GeoScience Management, Inc.
2. Documentation of Hoist Removal and Soil Sampling, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by GeoScience Management, Inc of April 3, 2000.
3. Phases I & II Final Report, Hybrid Environmental Site Assessment, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by the IT Group, Project #800403 of January 4, 2000.
4. Phases I & II Hybrid Environmental Site Assessment, Volumes II of II & III of III, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by the IT Group, Project #800403 of October 7, 1999.
5. Phases III Environmental Site Assessment, Clyde Revord Motors Automotive Service Shop, 7900 Evergreen Way, Everett, WA 98203, by Fluor Daniel GTI, Project #104571 of May 22, 1998.

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This Restrictive Covenant is required because the Remedial Action resulted leaving residual TPH concentrations which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740. Also, the Remedial Action resulted leaving residual dissolved petroleum hydrocarbons concentrations which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for groundwater established under WAC 173-340-740.

The undersigned, Clyde Revord Motors, is the fee owner of real property (hereafter "Property") in the County of Snohomish, State of Washington that is subject to this Restrictive Covenant. The Property is legally described as follows: *(insert legal description)*.

Clyde Revord Motors, makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. The Property contains residual TPH in the soils that exceed the Model Toxics Control Act Method A soil Residential Cleanup Levels, at the North Wing of the site at the following Hoist Locations; HL-1, HL-2, HL-3, HL-4, HL-5, HL-6, HL-7, & HL-8 of PARCEL B. Also, the Property contains residual TPH in the soils that exceed the Model Toxics Control Act Method A soil Residential Cleanup Levels at the South Wing of the site at the following Hoist Locations; HL-9, HL-10, HL-12, and HL-13 of PARCEL B (see enclosed figures). The Owner shall not alter, modify or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of the residual TPH contaminated soil that was contained on site, or create a new exposure pathway without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. No groundwater may be taken from the Property for any use.

Section 3. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 4. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 5. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and

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complete provision for continued monitoring, operation and maintenance of the Remedial Action. The Owner conveying any interest in the property shall notify Ecology of the name, mailing address and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

Section 6. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 7. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 8. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 9. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

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Steven Sittauer

CLYDE REVORD MOTORS.

11-27-2000

[DATE SIGNED]

STATE OF WASHINGTON)

)ss.

COUNTY OF KING)

On this 27 day of Nov 2000, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Steven Sittauer, to me known to be the person who signed as Vice president of Clyde Revord Motors, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and action as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Patricia L. Gabriel

Print Name: Steven Sittauer Patricia L. Gabriel

Notary Public in and for the State of Washington,

Residing at Snodgrass

My commission expires: 3-19-04

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6.5 Photo log

Photo 1: Front Showroom and part of North Wing - from the Evergreen Way side



Photo 2: Area of UST removal, and South Wing on the right - from the rear parking lot



Photo 3: Rear of North Wing - from the west



Photo 4: Typical appearance of repaired hydraulic lift area inside a wing

